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HOUSE BILL 2522

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State of Washington

54th Legislature

1996 Regular Session

By Representatives D. Schmidt, Elliot, Sherstad and Thompson

Read first time 01/12/96. Referred to Committee on Trade & Economic Development.

1 AN ACT Relating to certification of resident managers of mobile  
2 home parks; and adding a new chapter to Title 18 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The purpose of this chapter is to establish  
5 a certification program for resident managers of mobile home parks.

6 NEW SECTION. **Sec. 2.** Unless the context clearly requires  
7 otherwise, the definitions in this section apply throughout this  
8 chapter.

9 (1) "Advisory council" means the advisory council on mobile home  
10 park manager training and certification created in section 6 of this  
11 act.

12 (2) "Department" means the department of community, trade, and  
13 economic development.

14 (3) "Director" means the director of the department of community,  
15 trade, and economic development.

16 (4) "Mobile home park" has the same meaning as in RCW 59.20.030.

1 (5) "Mobile home park management" means those actions, functions,  
2 or duties related to the operation, maintenance, or management of a  
3 mobile home park.

4 (6) "Mobile home park manager" means a person who is certified  
5 pursuant to this chapter to perform mobile home park management  
6 services.

7 NEW SECTION. **Sec. 3.** (1) Except as provided in subsection (3) of  
8 this section, no person shall manage or hold himself out to the public  
9 as being able to manage a mobile home park in this state until a  
10 certificate of registration has been issued to him or her by the  
11 director in accordance with the provisions of this chapter.

12 (2) Nothing in this chapter shall prohibit a corporation,  
13 partnership, trust, association, or other like organization from  
14 engaging in the business of mobile home park management without being  
15 certified if it employs certified natural persons in the direct  
16 provision of such management services. Such corporation, partnership,  
17 trust, association, or other organization shall also file with the  
18 department a statement on a form approved by the department that it  
19 submits itself to the rules of the department and the provisions of  
20 this chapter which the department deems applicable.

21 (3) The provisions of this chapter shall not apply to any person  
22 that is directly managing their own mobile home park.

23 NEW SECTION. **Sec. 4.** (1) The director shall not issue a  
24 certificate of registration to any person to act as a mobile home park  
25 manager until:

26 (a) The applicant has executed a written application on a form  
27 prescribed by the director, subscribed and sworn to by the applicant;

28 (b) The applicant has attended and completed a department-approved  
29 training course for mobile home park managers;

30 (c) The applicant has passed an examination promulgated or approved  
31 by the department which demonstrates that the applicant has a  
32 fundamental knowledge of the mobile home landlord-tenant act created  
33 under chapter 59.20 RCW and applicable federal and state laws relating  
34 to residential property management; and

35 (d) The applicant has paid to the director a fee as prescribed in  
36 section 7 of this act.

1 (2) Certificates of registration shall become effective on the date  
2 issued by the department and must be renewed annually subject to the  
3 requirements of this chapter.

4 (3) A certificate of registration may be renewed annually provided  
5 the applicant provides evidence of continuing education as approved by  
6 the department. This evidence shall be submitted with an application  
7 to renew certification. No less than six and no more than ten hours of  
8 continuing education annually shall be required by the department for  
9 renewal of certification.

10 NEW SECTION. Sec. 5. (1) The department, in consultation with the  
11 advisory council created in section 6 of this act, shall administer,  
12 coordinate, and enforce the provisions of this chapter, evaluate the  
13 qualifications of applicants, supervise the examination of applicants,  
14 and be responsible for the granting of certificates to qualified  
15 persons and for withholding certificates from unqualified persons. It  
16 may issue subpoenas, examine witnesses, and administer oaths, and shall  
17 investigate persons engaging in practices which violate the provisions  
18 of this chapter.

19 (2) The department shall conduct such hearings and keep such  
20 records and minutes as are necessary for an orderly dispatch of  
21 business.

22 (3) The department is authorized to promulgate rules which are  
23 necessary to implement, enforce, and interpret this chapter.

24 NEW SECTION. Sec. 6. (1) There is created an advisory council on  
25 mobile home park manager training and certification. The council shall  
26 consist of seven members as follows: Two members of the council shall  
27 be residents of mobile home parks, two members shall be owners or  
28 operators of mobile home parks, and three members shall be lay citizens  
29 who do not reside in or own or operate a mobile home park. The  
30 director shall appoint three members for terms of one year, two members  
31 for terms of two years, and two members for terms of three years.  
32 Thereafter, each member shall be appointed for a term of four years.  
33 A vacancy shall be filled for the remainder of the unexpired term.

34 (2) The advisory council shall select a chair from its members for  
35 a two-year term.

1 (3) Members of the council shall serve without compensation but  
2 shall be entitled to receive reimbursement for per diem and travel  
3 expenses.

4 (4) The functions of the advisory council shall be to:

5 (a) Review, evaluate, and advise the department concerning  
6 revisions and promulgation of rules affecting certification of mobile  
7 home park managers; and

8 (b) Develop, review, revise, and approve, in consultation with the  
9 department, the program for certification of mobile home park managers.

10 (5) The advisory council shall meet at the call of its chair, at  
11 the request of a majority of its membership, at the request of the  
12 department, or at such times as may be prescribed by its rules.

13 NEW SECTION. **Sec. 7.** (1) The department shall charge fees for  
14 application, issuance, and renewal of certificates of registration.  
15 The department shall set fees by rule.

16 (2) The fees shall cover the actual costs incurred by the  
17 department in carrying out its certification and other related  
18 responsibilities under this chapter.

19 NEW SECTION. **Sec. 8.** (1) The department has the power to enforce  
20 and ensure compliance with the provisions of this chapter and rules  
21 promulgated under this chapter relating to the certification of mobile  
22 home park managers. In performing its duties, the department has the  
23 following powers and duties:

24 (a) To make necessary public or private investigations within or  
25 outside this state to determine whether any person has violated this  
26 part or any rule or order promulgated under this chapter, to aid in the  
27 enforcement of this part, or to aid in the adoption of rules or forms  
28 under this chapter;

29 (b) To require or permit any person to file a statement in writing,  
30 under oath or otherwise, as the department determines, as to the facts  
31 and circumstances concerning a matter to be investigated; and

32 (c) For the purpose of any investigation under this chapter, the  
33 director or any officer or employee designated to the director, may  
34 administer oaths or affirmations, subpoena witnesses and compel their  
35 attendance, take evidence, and require the production of any matter  
36 which is relevant to the investigation, including the existence,  
37 description, nature, custody, condition, and location of any books,

1 documents, or other tangible things and the identity and location of  
2 persons having knowledge of relevant facts or any other matter  
3 reasonably calculated to lead to the discovery of material evidence.  
4 Upon the failure by a person to obey a subpoena or to answer questions  
5 propounded by the investigating officer and upon reasonable notice to  
6 all persons affected thereby, the department may apply to the circuit  
7 court for an order compelling compliance.

8 (2) A certificate of registration may be suspended or revoked upon  
9 a showing that the manager has:

10 (a) Violated any provision of this chapter;

11 (b) Violated any lawful order or rule rendered or adopted by the  
12 department;

13 (c) Been convicted or pleaded nolo contendere to a felony in any  
14 court in the United States;

15 (d) Obtained his or her certification or any other order, ruling,  
16 or authorization by means of fraud, misrepresentation, or concealment  
17 of material facts; or

18 (e) Committed acts of misconduct or negligence in the pursuit of  
19 his or her profession.

20 NEW SECTION. **Sec. 9.** If the department has reasonable cause to  
21 believe that a violation of any provision of this chapter or rule  
22 promulgated under this chapter has occurred, the department may  
23 institute enforcement proceedings in its own name against any manager  
24 as follows:

25 (1) The department may permit a person whose conduct or actions may  
26 be under investigation to waive formal proceedings and enter into a  
27 consent proceeding whereby orders, rules, or letters of censure or  
28 warning, whether formal or informal, may be entered against the person;

29 (2) The department may issue an order requiring the manager to  
30 cease and desist from the unlawful practice and take such affirmative  
31 action as in the judgment of the department will carry out the purposes  
32 of this chapter;

33 (3) The department may bring an action in superior court for  
34 declaratory relief or injunctive relief; or

35 (4) The department may impose a civil penalty against a manager for  
36 any violation of this chapter or of a rule promulgated under this  
37 chapter which shall not exceed one thousand dollars per violation. If  
38 a manager fails to pay the civil penalty, the department shall issue an

1 order directing that such manager cease and desist from further  
2 operation until such time as the civil penalty is paid or may pursue  
3 enforcement of the penalty in a court of competent jurisdiction. Any  
4 action commenced by the department shall be brought in the county in  
5 which the department has its executive offices or in the county where  
6 the violation occurred.

7 NEW SECTION. **Sec. 10.** If any provision of this act or its  
8 application to any person or circumstance is held invalid, the  
9 remainder of the act or the application of the provision to other  
10 persons or circumstances is not affected.

11 NEW SECTION. **Sec. 11.** Sections 1 through 10 of this act shall  
12 constitute a new chapter in Title 18 RCW.

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